

**State of Nebraska
Nebraska Public Service Commission
REQUEST FOR QUALIFICATIONS**

RETURN TO:
Nebraska Public Service Commission
1200 The Atrium, Suite 300
Lincoln, NE 68509
Phone: (402) 471-3101

SOLICITATION NUMBER	RELEASE DATE
RFQ 23-01	September 18, 2023
OPENING DATE AND TIME	PROCUREMENT CONTACT
November 9, 2023, 3:00 p.m. Central Time	Thomas W. Golden

This form is part of the specification package and must be signed in ink and returned, along with information documents, by the opening date and time specified.

PLEASE READ CAREFULLY!

SCOPE OF SERVICE

The Nebraska Public Service Commission (Commission), is issuing this Request for Qualifications RFQ 23-01 for the purpose of gathering information to assist the Executive Director of the Commission in the selection and appointment of a qualified attorney to serve as the Nebraska Public Advocate.

Written questions are due no later than October 6, 2023 and should be submitted via e-mail to Thomas.golden@nebraska.gov.

Respondent should submit one (1) original of the entire RFQ response. RFQ responses should be submitted by the RFQ due date and time.

Sealed RFQ responses should be received in the offices of the Commission by the date and time of RFQ opening indicated above.

RESPONDENT MUST COMPLETE THE FOLLOWING

By signing this Request For Qualifications form, the Respondent guarantees compliance with the provisions stated in this Request for Qualifications.

FIRM: _____

COMPLETE ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

SIGNATURE: _____ DATE: _____

TYPED NAME & TITLE OF SIGNER: _____

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I. SCOPE OF THE REQUEST FOR INFORMATION

The Nebraska Public Service Commission (Commission) is issuing this Request for Qualifications, RFQ 23-01, for the purpose of gathering information to assist the Executive Director of the Commission in the selection and appointment of a qualified attorney to serve as the Nebraska Public Advocate.

ALL INFORMATION PERTINENT TO THIS REQUEST FOR QUALIFICATIONS CAN BE FOUND ON THE INTERNET AT: <https://psc.nebraska.gov/natural-gas/public-advocate-rfq-information>.

A. SCHEDULE OF EVENTS

The Commission expects to adhere to the tentative schedule shown below. It should be noted, however, that some dates are approximate and subject to change.

ACTIVITY		DATE/TIME
1	Release Request for Qualifications	September 18, 2023
2	Last day to submit written questions	October 6, 2023
3	Commission responds to written questions through Request for Qualifications "Addendum" and/or "Amendment" to be posted to the internet at: https://psc.nebraska.gov/natural-gas/public-advocate-rfq-information	October 26, 2023
4	RFQ opening Location: Nebraska Public Service Commission 1200 "N" Street, Suite 300 Lincoln, Nebraska 68508	November 9, 2023 3:00 PM Central Time

II. RFQ RESPONSE PROCEDURES

A. OFFICE AND CONTACT PERSON

Responsibilities related to this Request for Qualifications reside with the Nebraska Public Service Commission. The point of contact for the RFQ is as follows:

Name: Thomas W. Golden
Agency: Nebraska Public Service Commission
Address: 1200 "N" Street
Lincoln, Nebraska 68508

OR

Address: P.O. Box 94927
Lincoln, Nebraska 68508
Telephone: 402-471-3101
E-Mail: Thomas.golden@nebraska.gov

B. GENERAL INFORMATION

A subsequent Request for Proposal (RFP) may or may not be issued as a result of this RFQ. The Commission is not liable for any cost incurred by respondents in replying to this RFQ. If an RFP is issued, the information provided will assist the Commission in developing the Request for Proposal. This RFQ does not obligate the Commission to reply to the RFQ responses, to issue an RFP, or to include any RFQ provisions or responses provided by respondents in any RFP.

C. COMMUNICATION WITH STATE STAFF

From the date the Request for Qualifications is issued and until RFQ opening (as shown in the Schedule of Events), contact regarding this RFQ between potential respondents and individuals employed by the Commission should be restricted to written communication with the staff designated above as the point of contact for this Request for Qualifications.

The following exceptions to these restrictions are permitted:

1. Written communication with the person(s) designated as the point(s) of contact for this Request for Qualifications;
2. Contacts made pursuant to any pre-existing contracts or obligations; and
3. Commission-requested presentations, key personnel interviews, clarification sessions, or discussions.

Violations of these conditions may be considered sufficient cause to reject a respondent's response to the RFQ. No individual member of the Commission or employee of the Commission is empowered to make binding statements regarding this RFQ. The Commission will issue any clarifications or opinions regarding this RFQ in writing.

D. WRITTEN QUESTIONS AND ANSWERS

Any explanation desired by a respondent regarding the meaning or interpretation of any Request for Qualifications provision should be submitted in writing to the Commission and clearly marked "RFQ 23-01; Nebraska Public Advocate Questions". Questions should be sent via e-mail to Thomas.golden@nebraska.gov.

It is recommended that respondents submit questions sequentially numbered, include the RFQ reference and page number using the following format.

<u>Question Number</u>	<u>RFQ Section Reference</u>	<u>RFQ Page Number</u>	<u>Question</u>

Written answers will be provided through an addendum to be posted on the Internet at <https://psc.nebraska.gov/natural-gas/public-advocate-rfq-information> on or before the date shown in the Schedule of Events.

E. ORAL INTERVIEWS/PRESENTATIONS AND/OR DEMONSTRATIONS

The Executive Director reserves the right to conduct oral interviews, presentations, and/or demonstrations if required at the sole invitation of the Executive Director.

Any cost incidental to the oral interviews, presentations, and/or demonstrations shall be borne entirely by the respondent and will not be compensated by the Commission.

F. SUBMISSION OF RESPONSE

The following describes the requirements related to the RFQ submission, handling and review by the Commission.

To facilitate the response review process, one (1) original of the entire RFQ response should be submitted. RFQ responses should be submitted by the RFQ due date and time.

A separate sheet must be provided that clearly states which sections have been submitted as proprietary or have copyrighted materials. RFQ responses should reference the request for qualifications number and be sent to the specified address. Please note that the address label should appear as specified on the face of each container. If a recipient phone number is required for delivery purposes, 402-471-3101 should be used. The Request for Qualifications number must be included in all correspondence.

G. PROPRIETARY INFORMATION

Data contained in the response and all documentation provided therein, become the property of the Commission and the data will become public information upon opening the response. If the respondent wishes to have any information withheld from the public, such information must fall within the definition of proprietary information contained within Nebraska's public record statutes. All proprietary information the respondent wishes the Commission to withhold must be submitted in a sealed package, which is separate from the remainder of the response. The separate package must be clearly marked PROPRIETARY on the outside of the package. Respondent may not mark their entire Request for Qualifications as proprietary. Failure of the respondent to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other respondents and the public. Proprietary information is defined as trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. § 84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, respondents submitting information as proprietary may be required to prove specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would receive. Although every effort will be made to withhold information that is properly submitted as proprietary and meets the statutory definition of proprietary information, the Commission is under no obligation to maintain the confidentiality of proprietary information and accepts no liability for the release of such information.

H. REQUEST FOR QUALIFICATIONS OPENING

The sealed responses will be publicly opened and the respondents announced on the date, time, and location shown in the Schedule of Events. Responses will be available for viewing by those present after the opening. Respondents may also contact the Commission to schedule an appointment for viewing RFQ responses.

I. LATE REQUEST FOR QUALIFICATIONS RESPONSES

RFQ responses received after the time and date of the RFQ opening will be considered late responses. Late responses will be returned to the respondent unopened, if requested, at respondent's expense. The Commission is not responsible for responses that are late or lost due to mail service inadequacies, traffic, or any other reason(s).

III. PROJECT DESCRIPTION AND SCOPE OF WORK

The Executive Director of the Nebraska Public Service Commission is seeking qualified individuals with an interest in being selected and appointed as the Nebraska Public Advocate for a term to commence January 1, 2024. The Executive Director wishes to determine the level of qualified candidates prior to making a determination as to the selection process to be used to appoint the Public Advocate. Following the review of the responses received to this RFQ, the Executive Director may issue a Request for Proposal or interview selected respondents.

The respondent should provide the following information in response to this Request for Qualifications.

A. PURPOSE AND BACKGROUND

The Office of Public Advocate is established as a separate and independent division within the Commission. The duty of the Public Advocate is to represent the interests of Nebraska citizens and all classes of natural gas jurisdictional ratepayers, other than high volume ratepayers, in matters involving natural gas jurisdictional utilities and act as trial staff before the Commission. The Public Advocate is required to be an attorney, licensed to practice before the courts in Nebraska, and must have experience in consumer-related issues or in the operation, management, or regulation of utilities. The Public Advocate must office in Lincoln, Nebraska pursuant to Neb. Rev. Stat. § 66-1832 and Title 291 Neb. Admin. Code, Chapter 9, § 022.01. The Public Advocate is appointed by the Executive Director, with consultation with the Commission, for a four (4) year term and may only be removed for cause. No person owning stocks or bonds in a corporation subject in whole or in part to regulation by the Nebraska Public Service Commission or who has any pecuniary interest in such corporation is eligible for appointment as the Public Advocate. The current Public Advocate has provided notice to the Commission pursuant to the current contract of his intention to retire as of December 31, 2023.

B. CURRENT ENVIRONMENT

The Office of Public Advocate was established in 2003. The Commission and the Executive Director have determined that the State of Nebraska and the ratepayers of jurisdictional utilities are best and most economically represented by contracting the services of the Public Advocate to an outside attorney. It is the intent of the Executive Director that for the term which will begin in January 2024, the contracted Public Advocate model will continue to be utilized to represent and advocate on the behalf of the interests of the ratepayers of jurisdictional utilities.

The existing agreement between the Public Advocate and the Commission provides for compensation for the work of the Public Advocate to be paid on an hourly rate basis. The agreement provides for a discounted hourly rate defined as “Base Public Advocate Services” (See Appendix 1- Base Public Advocate Responsibilities) and another non-discounted hourly rate for other Public Advocate services beyond those listed in the Base Public Advocate Responsibilities Appendix. The provision of “non-base services” are provided pursuant to a specific engagement agreement. Examples of such “non-base services” include:

- Any natural gas rate cases initiated before the Commission (See Appendix 2 – Information on General Rate Cases)
- Any gas supply cost adjustment schedule proceedings initiated before the Commission
- Any proceeding in which the Public Advocate may file a petition for relief, a protest or petition to intervene
- Any other proceeding requested or initiated by the Public Advocate, including proceedings to address consumer complaints made to the Commission.

C. SCOPE OF WORK

Neb. Rev. Stat. § 66-1831 sets forth the power and authority of the Public Advocate:

- 1) Investigate the legality and reasonableness of rates, charges, and practices of jurisdictional utilities;
- 2) Petition for relief, request, initiate, and intervene in any proceeding before the Commission concerning such utilities;
- 3) Represent and appear for ratepayers and the public in proceedings before the Commission and in any negotiations or other measures to resolve disputes that give rise to such proceedings;
- 4) Represent and appear for ratepayers and the public in any negotiations or other measures to resolve disputes that give rise to proceedings before the Commission and make and seek approval of agreements to settle such disputes; and
- 5) Make motions for rehearing or reconsideration, appeal, or seek judicial review of any order or decision of the Commission regarding jurisdictional utilities.

D. RESPONSE DELIVERABLES

Individuals responding to this RFQ should set forth qualifications possessed to represent the interest of jurisdictional utility ratepayers in matters that come before the Nebraska public Service Commission.

Respondents should describe prior work experience in consumer-related issues or in the operation, management, or regulation of utilities, including specific examples of prior experience in the successful representation of consumer-related issues before regulatory bodies or the courts.

Form A

Respondent Contact Sheet

Request for Qualifications Number 23-01

Form A should be completed and submitted with each response to this solicitation document. This is intended to provide the Commission with information on the respondent's name and address, and the specific persons who are responsible for preparation of the respondent's response.

Preparation of Response Contact Information	
Respondent Name:	
Respondent Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	

Each respondent shall also designate a specific contact person who will be responsible for responding to the Commission if any clarifications of the respondent's response should become necessary. This will also be the person who the Commission will contact to set up a presentation/demonstration, if required.

Communication with the Commission Contact Information	
Respondent Name:	
Respondent Address:	
Contact Person & Title:	
E-mail Address:	
Telephone Number (Office):	
Telephone Number (Cellular):	
Fax Number:	